

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CAS/1656/2006

in

SA. NO. 812 OF 2005

SHAMSHER ABDUL RAHIMAN BHILAWADE ... Applicant
V/S

HIBJABI BABASAHEB BHILAWADE & Ors ... Respondents

SHRI. S.D.DHARMADHIKARI FOR applicant.

SHRI S. A. Joshi with Mr. S.M. OAK FOR Respondent .NO. 2.

SHRI MANOJ S. CHATGE FOR respondent Nos.1 TO 9,11 TO 15,
16/1,17/2(1) TO 17/2(4), 7/3 TO 17/7 AND 18

CORAM: D. G. KARNIK J.

DATE: 7th November 2006

P.C.:

1. Heard learned counsel for the parties.
2. This civil application is made for condonation of delay of about 30 days in making the application and for setting aside the abatement. It is averred in the application that the appellant was not aware of the death till the receipt of the bailiff 's report. No affidavit in reply has been filed denying these averments. In the circumstances for the reasons stated

in the Civil application, the delay is condoned and the abatement is set aside.

3. Applicant to carry out the amendment within a period of two weeks.

(D.G. KARNIK J.)